

REMARKS

In the present Amendment, claim 2 has been amended to recite “wherein the hydrochloric acid-trapping compound is a combination of the at least one epoxy compound with a weakly basic compound.” No new matter has been added, and entry of the Amendment is respectfully requested.

Claims 1-2 and 4-11 are pending.

Claim 2 was objected to for failing to further limit the subject matter of a previous claim.

As noted, claim 2 has been amended to refer back to the at least one epoxy compound of claim 1. Accordingly, reconsideration and withdrawal of the objection to claim 2 are respectfully requested. Further, entry of the Amendment is respectfully requested as not requiring further search and/or consideration.

Claims 1-2, 4-8 and 10-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi et al (US 6,472,019 B1) in view of Di Giaimo (US 3,496,134).

Applicants submit that this rejection should be withdrawn because Yamaguchi et al and Di Giaimo do not disclose or render obvious the aqueous water- and oil-repellent dispersion or the textile or the method of treating a textile of the present invention, either alone or in combination.

In the Amendment filed November 2, 2007, Applicants pointed out that (A) Di Giaimo relates to a solid polymer which is different from an aqueous dispersion; (B) Di Giaimo relates to a vinyl chloride polymer; and (C) the organo-tin compounds and cadmium or barium salts taught by Di Giaimo have a poor dispersion effect for a fluorine-containing aqueous dispersion.

In response, the Examiner considered that Di Giaimo teaches that sensitivity of polyvinyl chloride (a halogen-containing polymer) to light and heat may be addressed by the addition of

conventional heat or light stabilizers including an organic epoxy hydrochlorophyl (col. 1, lines 39-51) such as epoxidized soybean oil (col. 3, lines 1-2) within the scope of the claimed hydrochloric acid-trapping compound. The reason for rejection was that it would have been obvious to add a heat or light stabilizer to halogen-containing polymers so as to prevent degradation due to sensitivity of polyvinyl chloride to light.

The Examiner apparently was of the view that the flexible and rigid PVC compositions of Di Giaimo (col. 1, lines 39-43) are interchangeable with the aqueous dispersion of Yamaguchi et al. In this regard, the Examiner reasoned that the flexible PVC of Di Giaimo is a dispersion of PVC in plasticizer (page 6, lines 1-2 of the Office Action).

Furthermore, even if the flexible PVC is not a dispersion, the Examiner contends that because the breakdown of PVC is caused by heat and light to liberate HCl and because light and heat stabilizers are thus added to capture the trapped HCl and in turn prevent deterioration of the PVC, a heat stabilizer that works in a composition having one physical state is expected to work in a composition having a different physical state, absent evidence to the contrary.

Applicants respectfully disagree.

One skilled in the art cannot easily conceive of using the agent employed in the solid disclosed by Di Giaimo in the liquid disclosed by Yamaguchi et al. One skilled in the art cannot combine Di Giaimo with Yamaguchi et al to reach the present invention with a reasonable expectation of success. This is because Di Giaimo discloses a solid while Yamaguchi et al discloses a liquid. The significance thereof is as follows.

A solid is very different from a liquid in terms of, for example, physical behavior. Substances cannot easily migrate in a solid, while substances can easily migrate in a liquid. One skilled in the art will not refer to documents relating to solids when searching for an agent

suitable for liquids. In addition, the vinyl chloride disclosed by Di Giaimo is far different from the fluorine-containing polymer disclosed in Yamaguchi et al. That is, Applicants respectfully dispute the notion that flexible PVC (a solid) is recognized as being interchangeable with or equivalent to an aqueous fluoropolymer dispersion of Yamaguchi et al. For the same reasons, there is no expectation that a stabilizing agent for solid PVC would be useful for an aqueous fluoropolymer dispersion. The Examiner's reasoning that the flexible PVC of Di Giaimo is a dispersion of PVC in plasticizer seems like reasoning that is after the fact.

For the above reasons, it is respectfully submitted that the present invention is not obvious over Yamaguchi et al in view of Di Giaimo, and withdrawal of the foregoing § 103(a) rejection is respectfully requested.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi et al in view of Di Giaimo and further in view of Snyder (US 3,617,188).

Applicants submit that claim 9 is patentable over Yamaguchi et al in view of Di Giaimo, and further in view of Snyder, for at least the same reasons that claims 1 and 8 are patentable over the cited references, and for the additional reasons set forth below.

Example A (column 8) of Snyder discloses the use of 60 % by weight polyoxyethylene (10) oleyl ether (HLB 12.4) and 40 % by weight polyoxyethylene (2) oleyl ether (HLB 4.9). Example A does not use three nonionic surfactants having different HLB values defined in present claim 9. Therefore, Yamaguchi et al in view of Di Giaimo and further in view of Snyder does not teach the invention of present claim 9.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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